

REMARKS

I. STATUS OF CLAIMS

Claims 1-16 are canceled herein without prejudice or disclaimer.

New claims 17-29 are added. Support for the new claims is found, for example, in FIGS. 1, 4-6, and the disclosure on page 12, line 2, through page 15, line 10.

In view of the above, it is respectfully submitted that claims 17-29 are currently pending.

II. NEW CLAIMS

New claims 17-29 are added. Independent claims 17 and 22 specifically relate to electronically mediating an online gift before a sender places an order for a recipient. This comprises displaying order information related to the online gift received from the sender to the recipient, the order information being an information on the online gift, and a delivery of the online gift; changing the order information when the recipient selects to change the order; and displaying the changed order information to the sender.

Lee does not disclose changing the order information when the recipient selects to change the order; and displaying the changed order information to the sender. Instead, Lee discloses a system and method that enables a user of an addressable website to purchase a first gift certificate which is redeemable by a recipient for a second, recipient-selectable gift certificate. In Lee, processor 108 is coupled to database 120 which is configured to store data corresponding to purchasers, recipients, merchants and the various gift certificates that have been purchased. Specifically, database 120 comprises purchaser data module 150 having data corresponding to and entered by purchasers, recipient data module 152 having data corresponding to and entered by recipients, merchant data module 154 having data corresponding to and entered by merchants, and gift certificate data module 156 having data corresponding to specific gift certificate offers and gift certificates that have been purchased e.g.--authorization codes, amounts, etc. (See Lee at page 3, paragraph 0028).

As such, Lee fails to be directed to the present invention. For example, as part of electronically mediating an online gift, Applicant's invention as recited, for example, in claims 17 and 22, comprises changing the order information when the recipient selects to change the order; and displaying the changed order information to the sender. Lee fails to teach, disclose or suggest this feature.

Accordingly, it is respectfully submitted that the fundamental nature of the present invention as recited, for example, in claims 17 and 22, is significantly different than Lee.

In the outstanding Office Action, the Examiner takes Official Notice "that the recommendation of a best gift or a worst gift suitable for at least the receiver is functionally equivalent to the method as indicated in Lee".

It is respectfully submitted that the Examiner's taking of Official Notice is improper. More specifically, Official Notice is limited to the notice of "facts". See, for example, MPEP 2144.03. It is respectfully submitted that the Examiner is not taking notice of any "fact". Instead, the Examiner is attempting to take Official Notice of an opinion that a recited feature is equivalent to disclosure in a reference.

Therefore, it is respectfully submitted that the Examiner's taking of Official Notice is improper, and it is requested that the Examiner withdraw this taking of Official Notice.

Although the above comments are specifically directed to claims 17 and 22, it is respectfully submitted that the comments would be helpful in understanding differences of other rejected claims over Lee.

In view of the above, it is respectfully submitted that the rejection is overcome.

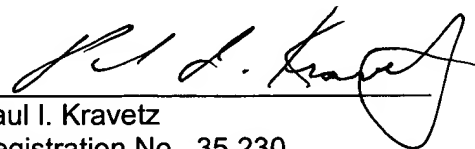
III. CONCLUSION

In view of the above, it is respectfully submitted that the application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,
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